W.P. no. 355(SS)05

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tanuj Semwal, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus commanding the respondents to transfer the petitioner in urban (Shahari) area or in assessable area (Sugam Kshetra Vidyalay) or to the place nearby her house.

Contention of the petitioner is that she was appointed as Assistant Teacher vide order dated 6th July 1999 under the handicapped quota. She was posted as Assistant Teacher, Primary School, Kangra (Kamar), Vikas Khand Bhilangna, district Tehri Garhwal. The petitioner is handicapped since birth, as she is suffering form polio; she also belongs to Backward Class. Since the school where she is posted is in the remote area which is more than 5 Kms. away from the motor head, she applied for her transfer to the urban (Shahari) area or at some place, which may be convenient for her. However, the respondent has not taken any decision on the application of the petitioner.

The petitioner has made several representations. The latest was on 18th July 2004. During the course of argument, the petitioner has confined her prayer to the extent that the respondents may be directed to decide her representation sympathetically.

Since the petitioner is suffering form polio and at present posted at the place, which is not easily approachable to her, the respondent no. 3 shall decide the representation of the petitioner dated 18th July 2004 (annexure no. 7 to the writ petition) within a period of three weeks from the date of receipt of a certified copy of this order. While passing order on the representation, the respondent no. 3 shall take in to consideration the difficulties, which the petitioner is facing on account of the decease she is suffering.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

05.04.2005:
NCM: